

DETAILED ACTION

Allowable Subject Matter

1. Claims 42 to 52 are allowed. The examiner believes the Bakos affidavit was sufficient to overcome the rejection.

Examiner's Amendment

Please amend Claim 42 as follows:

Claim 42: A method for increasing the expected return of a game, said game comprising a large gaming prize, said large gaming prize being backed at least in part by a payment augmentation module, said payment augmentation module comprising:

- the characterization of a lottery backed security;
- the issuance of said lottery backed security; and
- the selling of said lottery backed security,

said method comprising:

- a) offering to sell tokens to a plurality of players to participate in said game, each of said tokens having a price and a designated residual value;
- b) receiving financial consideration from said players, said financial consideration being equal to the number of said tokens purchased by each of said players times said price of said tokens;
- c) allocating a first portion of said financial consideration to a prize pool, said first portion being greater than zero, said prize pool to be distributed among winners of said game,

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and said prize pool being less than said large gaming prize;

d) conducting said game such that there is an outcome of said game wherein said outcome [may] comprises the designation of a portion of said tokens as winning tokens [and] and/or said outcome [may] additionally comprises the designation of at least one of said winning tokens as a large gaming prize winning token;

e) awarding said prize pool to the owners of said winning tokens if said outcome comprises said designation of winning tokens and awarding said large gaming prize to the owners of said at least one large gaming prize winning token if said outcome comprises said designation of said at least one large gaming prize winning token, wherein at least a portion of said large gaming prize is paid by said payment augmentation module;

f) allocating a second portion of said financial consideration to purchase assets, said assets having a positive expected return over a period of time such that the expected value of said assets at the end of said period of time is greater than or equal to said financial consideration less said prize pool; g) purchasing said assets with said second portion of said financial consideration; h) assigning said assets to said tokens, said assignment to each token being in proportion to the price of each of said token times the residual value of each of said tokens;

i) committing to provide the current market value of said assets at the end of said period of time to the owners of said tokens.

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This examiner's amendment was authorized by agent Mark Nowotarski and approved by primary examiner Scott Jones in the in-person interview of 06-04-2008.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Hoel whose telephone number is (571)272-5961. The examiner can normally be reached on Mon. to Fri., 8:00 A.M. to 4:30 P.M.

3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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